

In Division 4, Chapter 4, adopt Subchapter 5, Articles 1-4, Sections 3650-3663.5 to read:

Subchapter 5. Pierce's Disease Control Program

Article 1. General Provisions

Section 3650. Legislative Intent and Authority.

(a) The Legislature has declared that the plant killing bacterium, *Xylella fastidiosa* and the resulting Pierce's disease, and its vectors present a clear and present danger to California's grape industry, as well as to many other commodities and plant life. The Legislature has created the Pierce's Disease Control Program in the Department of Food and Agriculture.

(b) The Secretary is authorized to establish, maintain, and enforce regulations consistent with the intent of the Legislature as expressed in Sections 6045-6047, Food and Agricultural Code, as may be necessary to interpret, clarify, or implement Sections 6045-6047. This authority shall be liberally construed to effectuate the intent of Sections 6045-6047.

(c) The regulations in this subchapter are of statewide interest and concern and are intended to wholly occupy the field.

Authority: Sections 407, 5323, and 6047, Food and Agricultural Code.

Reference: Section 5323, 6045, and 6046, Food and Agricultural Code.

Section 3651. Control Program.

(a) The Pierce's Disease Control Program is to be conducted by the local public entity designated by that county's board of supervisors under a Department approved local Pierce's disease workplan, including proposed treatment of Pierce's disease and its vectors.

(b) The Department shall provide logistical support and assistance when necessary for combating Pierce's disease and its vectors. Logistical support and assistance includes:

- (1) Biological control assistance.
- (2) Provide information on production practices to reduce levels of Pierce's disease and its vectors.

(3) Conduct workplan activities when necessary.

(4) Develop pest control alternatives.

(c) Workplans.

(1) The Pierce's Disease Control Program workplan elements shall include, but are not limited to, all of following:

(A) Develop and deliver producer outreach information and training to local communities, groups, and individuals to organize involvement with the workplan and to raise awareness regarding Pierce's disease and its vectors.

(B) Develop and deliver ongoing training of the designated local public entity's employees in the biology, survey, and treatment of Pierce's disease and its vectors.

(C) Identify a local Pierce's disease coordinator within the designated local public entity.

(D) Conduct detection and delimitation surveys for vectors.

(E) If determined necessary to prevent the establishment and spread of Pierce's disease and its vectors, direct and coordinate treatment programs to control or eliminate Pierce's disease and its vectors. Treatment programs shall comply with all applicable laws and regulations and shall be conducted in an environmentally responsible manner.

(F) Develop and implement a data collection system to track and report new infestations of Pierce's disease and its vectors in a manner respectful of property and other rights of those affected.

(2) The Department may permit the local public entity to establish variations from the standards set forth in this subchapter based on the written submission to the Department of clear and convincing evidence of stakes and risks to justify a more or less stringent standard.

(3) The local public entity shall conduct a hearing if an application of the workplan is appealed in writing to that entity. The results of said hearing shall be transmitted to the Department. The hearing notice procedures shall meet minimum due process standards appropriate for the circumstances. The notice and hearing procedures shall be set out in the workplan of the local public

entity.

Authority:      Sections 407 and 6047, Food and Agricultural Code.

Reference:     Sections 6045 and 6046, Food and Agricultural Code.

Section 3652. Definitions.

The following definitions apply to this subchapter:

(a)      “Bulk citrus” means any unprocessed citrus fruit that have not been commercially packed.

(b)      “Bulk grapes” means any unprocessed grapes that have not been commercially packed.

(c)      “Carriers” means any vehicle, container, or other article or means of conveyance that the Department determines presents a possible risk of artificial spread of vectors.

(d)      “Certification” means the issuance of a certificate in written, stamp, or sticker format by an agricultural commissioner or commissioner representative that affirms that a shipment meets all applicable regulatory requirements.

(e)      “Infestation” shall mean the detection of five (5) or more adult vectors within any five-day period and within a 300-yard radius, or the detection of multiple life stages within any five-day period and within a 300-yard radius. Vectors detected in direct association with a shipment from an infested area do not, in themselves, constitute an infestation.

(f)      “Infested area” shall mean an area within one (1.0) mile of a vector infestation or an area which has not been surveyed in a manner approved by the Department to detect vectors.

(g)      “Non-infested area” shall mean one in which no infestations have been detected after survey in a manner approved by the Department to detect vectors or where the infestation designation has been removed.

(h)      “Pierce’s disease” means the disease of grapevines caused by *Xylella fastidiosa*, a bacterium.

(i)      “Plants” means nursery stock and privately owned plants that may host vectors of Pierce’s disease, except when in the form of seeds, bulbs, stolons, corms, pips, buds, cut flowers, cut foliage, tubers, leafless dormant nursery stock, or harvested fruits and vegetables.

(j)      “Processed grapes” means grapes which have been juiced, canned, crushed, or dried.

(k)      “Vectors or Vectors of Pierce’s disease” shall mean *Homalodisca coagulata*, glassy-winged

sharpshooter.

Authority:      Sections 407 and 6047, Food and Agricultural Code.

Reference:     Section 6045, Food and Agricultural Code.

Section 3653. Area Designation Procedures.

(a)     An area shall be designated as non-infested based on written affirmation to the Department by the local public entity that the area has been surveyed in a manner approved by the Department to detect vectors with negative results.

(b)     An area shall be designated as infested when the survey results indicate an infestation is present, the Department has defined the infested area, and the local public entity is notified immediately. The Department shall also provide electronic and/or written notification of the area designations to the other local public entities and other interested or affected parties.

(c)     The local public entity may appeal an area designation by submission to the Department of a written request for review of the designation, accompanied by clear and convincing evidence justifying a change in the designation. The appeal must be filed no later than ten (10) working days following receipt of the notice of designation. The Department must respond with a written decision no later than ten (10) working days following receipt of the appeal. During the pending of the appeal, the designation under appeal shall remain in effect.

(d)     The infested area designation shall be removed if:

(1)     No additional vectors are detected by trapping or visual surveys during the period of January 1 through October 31 of the year following the last vector detection; or,

(2)     Only adult vectors were detected and thorough vector survey/detection activities document that a breeding population is not present.

Authority:      Sections 407 and 6047, Food and Agricultural Code.

Reference:     Section 6045, Food and Agricultural Code.

Section 3654. Inspection of Shipments and Disposition of Infested Shipments.

(a)     All shipments of bulk citrus, bulk grapes, plants, and carriers are subject to inspection by the

agricultural commissioner upon arrival at destination.

(b) Any shipment found to be infested with live vectors shall be refused delivery and may be immediately destroyed unless no damage would be caused to agriculture if the shipment is returned to origin, or processed or treated in a manner approved by the Department to eliminate the vectors.

Authority: Sections 407, 6521, 6523, and 6047, Food and Agricultural Code.

Reference: Sections 6521, 6522, 6523, 6524 and 6045, Food and Agricultural Code.

## Article 2. Standards for Grapes

The Secretary hereby establishes the following standards for the movement of bulk grapes to prevent the artificial spread of the Pierce's disease bacterium and its vectors.

### Section 3655. Standards for Movement.

(a) Bulk grapes shall meet the following standards prior to shipment from an infested area to a non-infested area:

(1) The bulk grapes have originated from a vineyard which has been harvested, handled, or treated in a manner approved by the Department to eliminate vectors and the grapes are monitored during harvest; or,

(2) The bulk grapes have originated from a non-infested vineyard as determined by surveys, including trapping and visual, approved by the Department to detect the presence of vectors and the grapes are monitored during harvest; or,

(3) If the county agricultural commissioner at origin and destination determine that compliance with subparagraph (1) or (2) is not feasible, the bulk grapes and associated plant material may be moved for processing in a manner approved by the Department which eliminates the potential artificial spread of vectors and the grapes are monitored during harvest, if feasible, and upon arrival for processing. The commissioners shall notify the Department of their determination as soon as is practicable; or,

(4) The bulk grapes have completed a post-harvest treatment approved by the Department to eliminate all live vectors.

(b) To ensure that the above standards are met, the grower shall do all of the following:

(1) Notify the county agricultural commissioner (of the county in which the vineyard is located) a minimum of 72 hours prior to the initiation of harvest.

(2) Assure that a certificate, as provided in Section 3656, is attached to every shipment and is provided to the receiver.

(3) Maintain harvest and shipment records for two years. These records shall be made available to the county agricultural commissioner during normal business hours.

(c) To ensure that the above standards are met, the receiver shall do all of the following:

(1) Conduct a trapping and detection program as specified by the agricultural commissioner (of the county in which the receiver is located) to determine if the vector is present at receiver's facility.

(2) Collect the certificates, required in Section 3656, for each shipment and maintain them as part of the shipment documentation.

(3) Dispose of all material other than grapes in a manner that eliminates vector survival risk. Disposal methods include, but are not limited to, steam, crush, cold treat, and solarization.

(4) Maintain trapping, vector detection, and shipment records for two years. These records shall be made available to the county agricultural commissioner during normal business hours.

Authority: Sections 407 and 6047, Food and Agricultural Code.

Reference: Section 6045, Food and Agricultural Code.

#### Section 3656. Certification.

Shipments of bulk grapes shall be certified as meeting the standards for movement in the following manner:

(a) Each shipment of bulk grapes shall be accompanied by a certificate issued by the county agricultural commissioner at origin affirming that the shipment meets the standards for movement set forth in Section 3655(a).

(b) Prior to the movement of each shipment of bulk grapes moved under Section 3655(a)(3), the origin agricultural commissioner shall notify the destination agricultural commissioner of the quantity of grapes

being moved, the specific destination, and identification information.

Authority:        Sections 407 and 6047, Food and Agricultural Code.

Reference:       Section 6045, Food and Agricultural Code.

Section 3657. Exemptions.

These standards do not apply to the following types of shipments:

(a)    Unprocessed, bulk grapes which are being transported without undue delay or diversion through non-infested areas to an infested destination for processing or treatment, or are being moved to a destination outside the State.

(b)    Processed grapes.

(c)    Shipments originating from non-infested areas.

Authority:        Sections 407 and 6047, Food and Agricultural Code.

Reference:       Section 6045, Food and Agricultural Code.

Article 3. Standards for Plants

The Secretary hereby establishes the following standards for the movements of plants to prevent the artificial spread of the Pierce's disease bacterium and its vectors.

Section 3658. Plants.

Shipments of the following live plants shall meet the requirements of Article 3, Standards for Plants:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Abelia spp.</u>	<u>Abelia</u>
<u>Acacia spp.</u>	<u>Acacia</u>
<u>Aeschynanthus spp.</u>	<u>Basket plant</u>
<u>Agapanthus spp.</u>	<u>Agapanthus</u>
<u>Agonis spp.</u>	<u>Willow myrtle</u>

<u>Ajuga spp.</u>	<u>Bugleweed</u>
<u>Albizia spp.</u>	<u>Albizzia</u>
<u>Aleurites spp.</u>	<u>Aleurites</u>
<u>Alnus spp.</u>	<u>Alder</u>
<u>Althaea spp.</u>	<u>Hollyhock</u>
<u>Amaranthus spp.</u>	<u>Amaranth</u>
<u>Ambrosia spp.</u>	<u>Ragweed</u>
<u>Amelanchier spp.</u>	<u>Serviceberry</u>
<u>Ananas spp.</u>	<u>Ananas</u>
<u>Annona spp.</u>	<u>Annona (cherimoya)</u>
<u>Antirrhinum spp.</u>	<u>Snapdragon</u>
<u>Aptenia spp.</u>	<u>Aptenia</u>
<u>Arbutus spp.</u>	<u>Strawberry tree</u>
<u>Archontophoenix spp.</u>	<u>Seaforthia</u>
<u>Arctostaphylos spp.</u>	<u>Manzanita</u>
<u>Arecastrum spp.</u>	<u>Arecastrum</u>
<u>Aronia spp.</u>	<u>Chokecherry</u>
<u>Asclepias spp.</u>	<u>Milkweed</u>
<u>Asparagus spp.</u>	<u>Asparagus</u>
<u>Aspidistra spp.</u>	<u>Aspidistra</u>
<u>Baccharis spp.</u>	<u>Baccharis</u>
<u>Bauhinia spp.</u>	<u>Bauhinia</u>
<u>Berberis spp.</u>	<u>Barberry</u>
<u>Betula spp.</u>	<u>Birch</u>
<u>Bignonia spp.</u>	<u>Bignonia</u>
<u>Bougainvillea spp.</u>	<u>Bougainvillea</u>



<u>Brachychiton spp.</u>	<u>Bottle tree</u>
<u>Brunfelsia spp.</u>	<u>Brunfelsia</u>
<u>Buxus spp.</u>	<u>Boxwood</u>
<u>Calliandra spp.</u>	<u>Powderpuff</u>
<u>Callistemon spp.</u>	<u>Bottlebrush</u>
<u>Calodendrum spp.</u>	<u>Cape chestnut</u>
<u>Camellia spp.</u>	<u>Camellia</u>
<u>Campsis spp.</u>	<u>Trumpet creeper</u>
<u>Canna spp.</u>	<u>Canna</u>
<u>Carica spp.</u>	<u>Papaya</u>
<u>Capsicum spp.</u>	<u>Pepper, chile</u>
<u>Cassia spp.</u>	<u>Senna</u>
<u>Castanopsis spp.</u>	<u>Chinquapin</u>
<u>Castanospermum spp.</u>	<u>Castanospermum</u>
<u>Catalpa spp.</u>	<u>Catawba</u>
<u>Ceanothus spp.</u>	<u>Redroot</u>
<u>Ceratonia spp.</u>	<u>Carob</u>
<u>Ceratostigma spp.</u>	<u>Ceratostigma</u>
<u>Cercis spp.</u>	<u>Redbud</u>
<u>Cercocarpus spp.</u>	<u>Mountain mahogany</u>
<u>Chenopodium spp.</u>	<u>Lambsquarter</u>
<u>Chitalpa spp.</u>	<u>Chitalpa</u>
<u>Chlorophytum spp.</u>	<u>St. Bernard's lily</u>
<u>Chorisia spp.</u>	<u>Floss-silk tree</u>
<u>Chrysanthemum spp.</u>	<u>Chrysanthemum</u>
<u>Cinnamomum spp.</u>	<u>Cinnamomum</u>

<u>Cissus spp.</u>	<u>Grape ivy</u>
<u>Cistus spp.</u>	<u>Rock rose</u>
<u>Citrus spp.</u>	<u>Citrus</u>
<u>Clytostoma spp.</u>	<u>Clytostoma</u>
<u>Cocculus spp.</u>	<u>Cocculus</u>
<u>Cocos spp.</u>	<u>Cocos</u>
<u>Coffea spp.</u>	<u>Coffee</u>
<u>Coprosma spp.</u>	<u>Coprosma</u>
<u>Cordyline spp.</u>	<u>Ti</u>
<u>Cornus spp.</u>	<u>Dogwood</u>
<u>Cotoneaster spp.</u>	<u>Cotoneaster</u>
<u>Crassula spp.</u>	<u>Crassula</u>
<u>Cupaniopsis spp.</u>	<u>Cupaniopsis</u>
<u>Cycas spp.</u>	<u>Cycad</u>
<u>Dianthus spp.</u>	<u>Dianthus</u>
<u>Dietes spp.</u>	<u>Dietes</u>
<u>Diospyros spp.</u>	<u>Persimmon</u>
<u>Dodonaea spp.</u>	<u>Dodonaea</u>
<u>Elaeagnus spp.</u>	<u>Elaeagnus</u>
<u>Elaeocarpus spp.</u>	<u>Elaeocarpus</u>
<u>Ensete spp.</u>	<u>Ensete</u>
<u>Erigeron spp.</u>	<u>Fleabane</u>
<u>Eriobotrya spp.</u>	<u>Eriobotrya</u>
<u>Erythrina spp.</u>	<u>Coral tree</u>
<u>Escallonia spp.</u>	<u>Escallonia</u>
<u>Eucalyptus spp.</u>	<u>Eucalyptus</u>

<u>Eugenia spp.</u>	<u>Eugenia</u>
<u>Euonymus spp.</u>	<u>Euonymus</u>
<u>Eupatorium spp.</u>	<u>Boneset</u>
<u>Euryops spp.</u>	<u>Euryops</u>
<u>Fatshedera spp.</u>	<u>Aralia ivy</u>
<u>Feijoa spp.</u>	<u>Feijoa</u>
<u>Ficus spp.</u>	<u>Fig</u>
<u>Forsythia spp.</u>	<u>Golden-bells</u>
<u>Fortunella spp.</u>	<u>Kumquat</u>
<u>Fraxinus spp.</u>	<u>Ash</u>
<u>Gardenia spp.</u>	<u>Gardenia</u>
<u>Gazania spp.</u>	<u>Gazania</u>
<u>Geijera spp.</u>	<u>Geijera</u>
<u>Gelsemium spp.</u>	<u>Yellow jessamine</u>
<u>Ginkgo spp.</u>	<u>Gingko</u>
<u>Gladiolus spp.</u>	<u>Gladiolus</u>
<u>Gossypium spp.</u>	<u>Cotton</u>
<u>Grevillea spp.</u>	<u>Spider flower</u>
<u>Grewia spp.</u>	<u>Grewia</u>
<u>Hardenbergia spp.</u>	<u>Hardenbergia</u>
<u>Harpephyllum spp.</u>	<u>Kaffir plum</u>
<u>Hedera spp.</u>	<u>Ivy</u>
<u>Helianthus spp.</u>	<u>Sunflower</u>
<u>Hemerocallis spp.</u>	<u>Daylily</u>
<u>Heteromeles spp.</u>	<u>Toyon</u>
<u>Hibiscus spp.</u>	<u>Hibiscus</u>

<u>Howea spp.</u>	<u>Sentry palm</u>
<u>Hymenosporum spp.</u>	<u>Hymenosporum</u>
<u>Hypericum spp.</u>	<u>St. John's-wort</u>
<u>Ilex spp.</u>	<u>Holly</u>
<u>Itea spp.</u>	<u>Itea</u>
<u>Jacaranda spp.</u>	<u>Green ebony</u>
<u>Jasminum spp.</u>	<u>Jasmine</u>
<u>Juglans spp.</u>	<u>Walnut</u>
<u>Koelreuteria spp.</u>	<u>Golden-rain tree</u>
<u>Lactuca spp.</u>	<u>Lettuce</u>
<u>Lagerstroemia spp.</u>	<u>Crape myrtle</u>
<u>Lantana spp.</u>	<u>Shrub verbena</u>
<u>Laurus spp.</u>	<u>Laurel</u>
<u>Ligustrum spp.</u>	<u>Privet</u>
<u>Limonium spp.</u>	<u>Statice</u>
<u>Lippia spp.</u>	<u>Lippia</u>
<u>Liquidambar spp.</u>	<u>Sweet gum</u>
<u>Liriodendron spp.</u>	<u>Tulip tree</u>
<u>Litchi spp.</u>	<u>Lychee</u>
<u>Lonicera spp.</u>	<u>Honeysuckle</u>
<u>Loropetalum spp.</u>	<u>Loropetalum</u>
<u>Macadamia spp.</u>	<u>Macadamia</u>
<u>Magnolia spp.</u>	<u>Magnolia</u>
<u>Malus spp.</u>	<u>Apple</u>
<u>Malva spp.</u>	<u>Mallow</u>
<u>Mandevilla spp.</u>	<u>Mandevilla</u>

<u>Mangifera spp.</u>	<u>Mango</u>
<u>Maytenus spp.</u>	<u>Maytenus</u>
<u>Melaleuca spp.</u>	<u>Honey myrtle</u>
<u>Melia spp.</u>	<u>Chinaberry</u>
<u>Metrosideros spp.</u>	<u>Metrosideros</u>
<u>Michelia spp.</u>	<u>Champak</u>
<u>Mirabilis spp.</u>	<u>Umbrella wort</u>
<u>Monarda spp.</u>	<u>Wild bergamot</u>
<u>Morus spp.</u>	<u>Mulberry</u>
<u>Murraya spp.</u>	<u>Orange jessamine</u>
<u>Myoporum spp.</u>	<u>Myoporum</u>
<u>Myrsine spp.</u>	<u>Myrsine</u>
<u>Myrtus spp.</u>	<u>Myrtle</u>
<u>Nandina spp.</u>	<u>Nandina</u>
<u>Nephrolepis spp.</u>	<u>Sword fern</u>
<u>Nerium spp.</u>	<u>Oleander</u>
<u>Nicotiana spp.</u>	<u>Tree tobacco</u>
<u>Nyssa spp.</u>	<u>Tupelo</u>
<u>Oenothera spp.</u>	<u>Evening primrose</u>
<u>Olea spp.</u>	<u>Olive</u>
<u>Opuntia spp.</u>	<u>Cactus</u>
<u>Osmanthus spp.</u>	<u>Osmanthus</u>
<u>Osteospermum spp.</u>	<u>Osteospermum</u>
<u>Pachysandra spp.</u>	<u>Spurge</u>
<u>Pandorea spp.</u>	<u>Pandorea</u>
<u>Parthenocissus spp.</u>	<u>Woodbine</u>

<u>Passiflora spp.</u>	<u>Passion fruit</u>
<u>Pelargonium spp.</u>	<u>Pelargonium</u>
<u>Penstemon spp.</u>	<u>Beard-tongue</u>
<u>Persea spp.</u>	<u>Avocado</u>
<u>Philadelphus spp.</u>	<u>Mock orange</u>
<u>Philodendron spp.</u>	<u>Philodendron</u>
<u>Phlox spp.</u>	<u>Phlox</u>
<u>Phoenix spp.</u>	<u>Date palm</u>
<u>Phormium spp.</u>	<u>Flax lily</u>
<u>Photinia spp.</u>	<u>Photinia</u>
<u>Phyla spp.</u>	<u>Frogfruit</u>
<u>Phytolacca spp.</u>	<u>Pokeweed</u>
<u>Pinus spp.</u>	<u>Pine</u>
<u>Pistacia spp.</u>	<u>Pistachio</u>
<u>Pittosporum spp.</u>	<u>Pittosporum</u>
<u>Platanus spp.</u>	<u>Sycamore</u>
<u>Platyserium spp.</u>	<u>Staghorn fern</u>
<u>Plumbago spp.</u>	<u>Leadwort</u>
<u>Podocarpus spp.</u>	<u>Podocarpus</u>
<u>Polygala spp.</u>	<u>Milkwort</u>
<u>Polygonum spp.</u>	<u>Polygonum</u>
<u>Populus spp.</u>	<u>Cottonwood</u>
<u>Portulacaria spp.</u>	<u>Portulacaria</u>
<u>Protea spp.</u>	<u>Protea</u>
<u>Prunus spp.</u>	<u>Prunus</u>
<u>Psidium spp.</u>	<u>Guava</u>

<u>Punica spp.</u>	<u>Pomegranate</u>
<u>Pyracantha spp.</u>	<u>Pyracantha/Firethorn</u>
<u>Pyrus spp.</u>	<u>Pear</u>
<u>Quercus spp.</u>	<u>Oak</u>
<u>Raphiolepis spp.</u>	<u>Raphiolepis</u>
<u>Rhamnus spp.</u>	<u>Buckthorn</u>
<u>Rhododendron spp.</u>	<u>Azalea</u>
<u>Rhus spp.</u>	<u>Sumac</u>
<u>Robinia spp.</u>	<u>Locust</u>
<u>Rosa spp.</u>	<u>Rose</u>
<u>Rubus spp.</u>	<u>Blackberry</u>
<u>Rudbeckia spp.</u>	<u>Coneflower</u>
<u>Salix spp.</u>	<u>Willow</u>
<u>Sambucus spp.</u>	<u>Elderberry</u>
<u>Sapium spp.</u>	<u>Sapium</u>
<u>Sassafras spp.</u>	<u>Sassafras</u>
<u>Schefflera spp.</u>	<u>Umbrella tree</u>
<u>Schinus spp.</u>	<u>Schinus</u>
<u>Simmondsia spp.</u>	<u>Jojoba</u>
<u>Solanum spp.</u>	<u>Solanum</u>
<u>Solidago spp.</u>	<u>Goldenrod</u>
<u>Sonchus spp.</u>	<u>Sonchus</u>
<u>Sorbus spp.</u>	<u>Mountain ash</u>
<u>Sorghum spp.</u>	<u>Sorghum</u>
<u>Strelitzia spp.</u>	<u>Bird-of-paradise</u>
<u>Syringa spp.</u>	<u>Lilac</u>

<u>Syzygium spp.</u>	<u>Syzygium</u>
<u>Tabebuia spp.</u>	<u>Trumpet tree</u>
<u>Tecomaria spp.</u>	<u>Tecomaria</u>
<u>Ternstroemia spp.</u>	<u>Ternstroemia</u>
<u>Thuja spp.</u>	<u>Arborvitae</u>
<u>Tipuana spp.</u>	<u>Tipu Tree</u>
<u>Trachelospermum spp.</u>	<u>Trachelospermum</u>
<u>Tradescantia spp.</u>	<u>Spiderwort</u>
<u>Tristania spp.</u>	<u>Tristania</u>
<u>Tulbaghia spp.</u>	<u>Tulbaghia</u>
<u>Tupidanthus spp.</u>	<u>Tupidanthus</u>
<u>Ulmus spp.</u>	<u>Elm</u>
<u>Vauquelinia spp.</u>	<u>Arizona rosewood</u>
<u>Veronica spp.</u>	<u>Speedwell</u>
<u>Viburnum spp.</u>	<u>Viburnum</u>
<u>Vigna spp.</u>	<u>Vigna</u>
<u>Vinca spp.</u>	<u>Periwinkle</u>
<u>Viola spp.</u>	<u>Violet</u>
<u>Vitis spp.</u>	<u>Grape</u>
<u>Washingtonia spp.</u>	<u>Washington palm</u>
<u>Wisteria spp.</u>	<u>Wisteria</u>
<u>Xanthium spp.</u>	<u>Cocklebur</u>
<u>Xylosma spp.</u>	<u>Xylosma</u>
<u>Yucca spp.</u>	<u>Yucca</u>
<u>Zantedeschia spp.</u>	<u>Calla lily</u>
<u>Zea spp.</u>	<u>Zea</u>



Authority:      Sections 407 and 6047, Food and Agricultural Code.

Reference:     Section 6045, Food and Agricultural Code.

Section 3659. Standards for Movement.

(a)      Plants shall meet the following standards prior to shipment from an infested area to a non-infested area:

(1)      The plants have been produced, handled, or treated in a manner approved by the Department to eliminate vectors; or,

(2)      The plants originate from a non-infested premise or a non-infested portion of a premise as determined by surveys, including trapping and visual, approved by the Department to detect the presence of vectors and the plants are monitored during loading for shipment; or,

(3)      The plants have been inspected, found to be free of vectors, and have been safeguarded from vectors until shipped.

(b)      To ensure that the above standards are met, the nursery shall do all of the following:

(1)      Train employees to inspect for and recognize suspect vectors.

(2)      Conduct a trapping and detection program as specified by the agricultural commissioner (of the county in which the nursery is located) to determine if the vector is present at the nursery facility.

(3)      If the vector is present, conduct an ongoing monitoring program that includes a vector free shipment staging area and inspection of plants for vectors.

(4)      Conduct treatments, as necessary, to ensure that each shipment is free of the vectors.

(5)      Maintain treatment, vector trapping, detection, and monitoring records for two years.

These records shall be made available to the county agricultural commissioner during normal business hours.

Authority:      Sections 407 and 6047, Food and Agricultural Code.

Reference:     Section 6045, Food and Agricultural Code.

Section 3660. Certification.

Shipments of plants shall be certified as meeting the standards for movement in the following manner:

(a) Each shipment of plants shall be accompanied by a certificate issued by the agricultural commissioner at origin affirming that the shipment meets the standards for movement set forth in Section 3659.

Authority: Sections 407 and 6047, Food and Agricultural Code.

Reference: Section 6045, Food and Agricultural Code.

#### Section 3661. Exemptions.

These standards do not apply to the following types of shipments:

(a) Privately owned plants which have been maintained indoors.

(b) Plants which have been designated by the Department as not presenting a risk for the artificial spread of vectors.

(c) Plants which are being transported without undue delay or diversion through non-infested areas.

(d) Plant shipments originating from non-infested areas.

Authority: Sections 407 and 6047, Food and Agricultural Code.

Reference: Section 6045, Food and Agricultural Code.

#### Article 4. Standards for Citrus Fruit

The Secretary hereby establishes the following standards for the movement of bulk citrus to prevent the artificial spread of the vectors of Pierce's disease.

#### Section 3662. Standards for Movement.

Bulk citrus from an infested area shall meet the standards in (a) or (b) prior to shipment to a non-infested area or an area in which an active control program is being conducted; or prior to transiting a non-infested area or an area in which an active control program is being conducted. The owner shall notify the county agricultural commissioner (of the county in which the grove is located) a minimum of 72 hours prior to the initiation of harvest.

(a) The bulk citrus have been harvested, handled, or treated in a manner approved by the

Department to eliminate all live vectors including, but not limited to, the following:

- (1) Treat grove(s) when infestation levels of vectors are evidenced by multiple detections(s); or,
- (2) Mechanically brush and protect citrus from infestation by vectors; or,
- (3) Post-harvest treatment of citrus.
- (b) The bulk citrus have originated from a non-infested grove as determined by surveys, including trapping and visual, approved by the Department to detect the presence of vectors and the citrus fruit are monitored during harvest.
- (c) To ensure that the standards in (a) or (b) are met, the receiver shall do all of the following:
  - (1) Collect the certificates, required in Section 3663, for each shipment and maintain them as part of the shipment documentation.
  - (2) Notify the agricultural commissioner (of the county in which the receiver is located) when suspect vector are detected.
  - (3) Safeguard infested shipments until rejection action is specified by the agricultural commissioner.
  - (4) Maintain shipment records for two years. These records shall be made available to the county agricultural commissioner during normal business hours.

If not otherwise amended, effective October 1, 2003, this section shall read:

*Bulk citrus shall meet the following standards prior to shipment from an infested area to a non-infested area or an area in which an active control program is being conducted; or prior to transiting a non-infested area or an area in which an active control program is being conducted:*

- (a) The bulk citrus have been harvested, handled, or treated in a manner approved by the Department to eliminate all live vectors; or,
- (b) The bulk citrus have originated from a non-infested grove as determined by surveys, including trapping and visual, approved by the Department to detect the presence of vectors and the citrus fruit are monitored during harvest.

Authority: Sections 407 and 6047, Food and Agricultural Code.

Reference:     Section 6045, Food and Agricultural Code.

Section 3663. Certification.

Shipments of bulk citrus shall be certified as meeting the standards for movement in the following manner:

(a)     Each shipment of bulk citrus shall be accompanied by a certificate or other document issued by the agricultural commissioner at origin affirming that the shipment meets the standards for movement set forth in Section 3662.

Authority:     Sections 407 and 6047, Food and Agricultural Code.

Reference:     Section 6045, Food and Agricultural Code.

Section 3663.5. Exemptions.

These standards do not apply to the following types of shipments:

- (a)     Processed citrus fruit, including citrus fruit which has been washed and waxed and is being moved in bulk quantities.
- (b)     Shipments originating from non-infested areas.
- (c)     Shipments originating in the infested area that do not enter a non-infested area or an area in which an active control program is being conducted.

Authority:     Sections 407 and 6047, Food and Agricultural Code.

Reference:     Section 6045, Food and Agricultural Code.